

**PUBLIC NOTICE  
OF INTENT TO PROPOSE OR PROMULGATE  
NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE  
P.O. Box 790, Boise, ID 83701-0790**

Docket No. **02-0104-9801**, Environmental Protection Audit Rules. Repeal of chapter. Comment By: 7-22-98.

Docket No. **02-0303-9801**, Rules Governing Pesticide Use and Application. Adds language to exempt target area from financial responsibility coverage and to clarify the exclusions and provide proper nomenclature; adds carrot seed as nonfood and nonfeed for the purposes of pesticide registration and use. Comment By: 7-22-98.

**IDAPA 07 - DIVISION OF BUILDING SAFETY  
P.O. Box 83720, , ID 83270-0048**

Docket No. **07-0313-9801**, Rules Governing Mobile Home Rehabilitation. Changes explain the criteria and procedures associated with the rehabilitation of mobile homes intended for relocation into or within the state of Idaho after July 1, 1998. Comment By: 7-22-98.

**IDAPA 09 - IDAHO DEPARTMENT OF LABOR  
317 Main St., Boise, ID 83735**

Docket No. **09-0104-9801**, Rules of the Benefit Payment Control Unit. Repeal of chapter. Comment By: 7-22-98.

Docket No. **09-0104-9802**, Rules of the Benefit Payment Control Unit. Rewrite of chapter reflects changes made to Idaho's Employment Security Law by House Bill 426 and updates rules and references to the statutes to conform to the law; numerical references to statutes are revised, obsolete references are deleted. Comment By: 7-22-98.

Docket No. **09-0106-9801**, Rules of the Appeals Bureau. Reflects changes made to Idaho's Employment Security Law by House Bill 426 and updates rules and references to the statutes to conform to the law; numerical references to statutes are revised, obsolete references are deleted. Comment By: 7-22-98.

Docket No. **09-0130-9801**, Rules of the Unemployment Insurance Benefits Claims. Repeal of chapter. Comment By: 7-22-98.

Docket No. **09-0130-9802**, Rules of the Unemployment Insurance Benefits Claims. Reflects changes made to Idaho's Employment Security Law by House Bill 426 and updates rules and references to the statutes to conform to the law; numerical references to statutes are revised, obsolete references are deleted, and defines terms. Comment By: 7-22-98.

Docket No. **09-0135-9801**, Rules of the Employer Accounts Bureau. Repeal of chapter. Comment By: 7-22-98.

Docket No. **09-0135-9802**, Rules of the Employer Accounts Bureau. Reflects changes made to Idaho's Employment Security Law by House Bill 426 and updates rules and references to the statutes to conform to the law; numerical references to statutes are revised, obsolete references are deleted. Comment By: 7-22-98.

Docket No. **09-0501-9801**, Rules Governing Wage Collection Proceedings. Repeal of chapter. Comment By: 7-22-98.

Docket No. **09-0502-9801**, Rules Governing Practice and Procedure Before the Wage and Hour Section. Repeal of chapter. Comment By: 7-22-98.

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT  
P.O. Box 700, Meridian, ID 83680-0700**

Docket No. **11-0401-9804**, Rules Governing Horse Racing. Change will give occupational license applicants the option to purchase a three (3) year license. Comment By: 7-22-98.

Docket No. **11-0704-9801**, Environmental Audit Protection Rules. Repeal of chapter. Comment By: 7-22-98.

**IDAPA 13 - FISH AND GAME COMMISSION  
P.O. Box 25, Boise, ID 83707**

Docket No. **13-0103-9801**, Rules Governing Public Use of Lands Owned or Controlled by the Department of Fish and Game. To clarify length of stay restriction and regional supervisor authority. Comment By: 7-22-98.

Docket No. **13-0109-9803**, Rules Governing the Taking of Game Birds. Establishes upland game bird seasons for 1997-98 and 1998-99, and crane and early September Canada goose seasons for 1997-98. Comment By: 7-22-98.

Docket No. **13-0111-9802**, Rules Governing Fish. House Bill 630 created a two fishing pole license validation and this rule identifies those waters where two pole fishing will be allowed. Comment By: 7-22-98.

Docket No. **13-0116-9801**, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Establishes furbearer seasons for 1997-98 and 1998-99. Comment By: 7-22-98.

#### **IDAPA 15 - OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING**

**P.O. Box 83720, Boise, ID 83720-0007**

Docket No. **15-0101-9801**, Rules Governing Senior Services Program. Deletes rule requiring a one to six (1:6) staff ratio for adult day care services; deletes entitlements from assistance that care coordinators will provide; deletes advocacy as a requirement of care coordination; corrects clerical and transcription errors and cross references to other chapters. Comment By: 7-22-98.

Docket No. **15-0102-9801**, Rules Governing Adult Protection Services. Changes add citation to Idaho Code and eliminate unnecessary language. Comment By: 7-22-98.

Docket No. **15-0103-9801**, Rules Governing Ombudsman Program for the Elderly. Correct clerical and transcription errors and cross references to other chapters; deletes rule requiring the Ombudsman "to seek out residents who consent to communicate privately". Comment By: 7-22-98.

Docket No. **15-0120-9801**, Rules Governing Area Agency on Aging (AAA) Operations. Corrects reference to the agreements between the Idaho Commission on Aging and area agencies on aging as "performance-based agreements"; corrects clerical error and an incorrect reference to another rule chapter. Comment By: 7-22-98.

Docket No. **15-0120-9802**, Rules Governing Area Agency on Aging (AAA) Operations. Changes reference for Area Agency on Aging purchasing requirements from IDAPA 38.05.01 to the Idaho Commission on Aging Area Agency on Aging Operations Manual. Comment By: 7-22-98.

Docket No. **15-0121-9801**, Rules Governing Older Americans Act Services. Corrects clerical and transcription errors and cross references to other chapters; adds definition; makes it optional for area agencies to participate in the USDA eighty/twenty (80/20) commodity program rather than a requirement; changes three percent (3%) to a "minimum percentage"; eliminates the eight (8) hour requirement; and deletes obsolete rule. Comment By: 7-22-98.

#### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**P.O. Box 83720, Boise, ID 83720-0036**

Docket No. **16-0308-9801**, Temporary Assistance for Families in Idaho. Public Law 104-193, requires that individuals convicted in a federal or state court of fraudulently misrepresenting residence to get TANF, AABD, Food Stamps, Medicaid, or SSI from 2 or more states at the same time are ineligible for 10 years; sets requirements for determining eligibility for adults living in Indian country; increases Work Incentive Table will increase to 33% of the 1998 Federal Poverty Limit; and TAFI Intentional Program Violation overpayments will be pursued and collected effective 7-1-98. Comment By: 7-22-98.

Docket No. **16-0402-9801**, Idaho Telecommunications Service Assistance Program. Change complies state law and clarifies and deletes language. Comment By: 7-22-98.

Docket No. **16-0501-9802**, Rules Governing the Protection and Disclosure of Department Records. Deletes obsolete references to air and water quality records; rewrites in relevant and effective language rules regarding public records and confidentiality to help ensure approval of DEQ's Title V operating permit program. Comment By: 7-22-98.

#### **IDAPA 20 - IDAHO DEPARTMENT OF LANDS**

**P.O. Box 83720, Boise, ID 83720-0050**

Docket No. **20-0304-9801**, Rules Governing the Regulation of Beds, Waters and Airspace Over Navigable Lakes in Idaho. Changes conform with HCR 37 and include size of shoreline frontage for community docks, dock repair requirements, width of artificial and ordinary high water mark, and the definition of Public Trust Doctrine. Comment By: 7-22-98.

#### **IDAPA 23 - BOARD OF NURSING**

**P.O. Box 83720, Boise, ID 83720-0061**

Docket No. **23-0101-9801**, Rules of the Board of Nursing. Implements HB 622 and provides the definitions, standards, and qualifications for the practice of advanced practice professional nurses; the process for licensing and disciplining of advanced practice professional nurses; and the standards and qualifications for prescriptive and dispensing authority. Comment By: 7-22-98.

#### **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSING**

**1109 Main Street, Ste. 220, Boise, Idaho 83702**

Docket No. **24-02201-9801**, Rules of the Board of Barber Examiners. Establishes original barber shop license fee at \$50 and annual renewal fee at \$30; establishes original and renewal fee of barber colleges at \$200; and clarifies meaning of original license fee to be that charged for an original registered barber license. Comment By: 7-22-98.

Docket No. **24-1001-9801**, Rules of the Board of Optometry. Adds Gooding and Jerome Counties to the Southeast District and deletes Clark, Fremont, Teton, Madison and Jefferson Counties from the Southeast District. Comment By: 7-22-98.

**IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**  
**1365 North Orchard, Ste. 172, Boise, Idaho 83706**

Docket No. **25-0101-9801**, Rules of the Outfitters and Guides Licensing Board. Adds goat packing to definition of hazardous excursions; grants benefit of licensing to professional goat packers; adds to definition of unethical/unprofessional conduct; returns to applicant the unused portions of one time new outfitter, new designated agent or new guide application fees required by SB 1339; and provides for different levels of bonding to enact bonding requirements of Senate Bill 1339. Comment By: 7-22-98.

**IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION**  
**P.O. Box 83720, Boise, ID 83720-0065**

Docket No. **26-0120-9801**, Rules Governing the Administration of Park and Recreation Areas and Facilities. Changes required camper check-out time; deletes references to annual moorage permits for vessels using department moorages; change low income designations to "limited income" and allows limited income discounts year around; adds administrative/cancellation fee of \$15 to the yurt and cabin fee table; establishes fee table for the rental of back country yurts; adds an \$8 per night vessel moorage fee and eliminates the differential vessel moorage fees; and increases fees at Lakeview Village in Ponderosa State Park for various residential, recreational, and long-term camping sites. Comment By: 7-22-98.

Docket No. **26-0121-9801**, Rules Governing Leasing Practices of Recreational Residence Sites Within Heyburn State Park. Repeal of chapter. Comment By: 7-22-98.

Docket No. **26-0121-9802**, Rules Governing Leasing Practices of Recreational Residence Sites Within Heyburn State Park. Rewrite of chapter provides specific requirements for recreational residence leases within Heyburn State Park including replacing specific lease requirements within the rule and providing authority to the Idaho Parks and Recreation Board to negotiate and approve certain provisions of recreational residence leases within Heyburn State Park. Comment By: 7-22-98.

Docket No. **26-0136-9801**, Rules Governing the Winter Recreation Parking Permit Program. Removes specific fee amounts from the rule and allows the Idaho Parks and Recreation Board to establish fees for winter recreational parking permits within those allowed under the statute. Comment By: 7-22-98.

**IDAPA 35 - STATE TAX COMMISSION**  
**P.O. Box 36, Boise, ID 83722**

Docket No. **35-0103-9801**, Property Tax Administrative Rules. House Bill 475 provides when residential improvements are exempt from property taxes and rule clarifies which improvements may or may not be eligible for exemption. Comment By: 7-22-98.

**IDAPA 37 - DEPARTMENT OF WATER RESOURCES**  
**1301 N. Orchard St., Boise, Idaho 83720-0098**

Docket No. **37-0102-9801**, Environmental Audit Protection Act Rules. Repeal of chapter. Comment By: 7-22-98.

**PUBLIC HEARINGS** - Public Hearings have been scheduled for the following dockets:

**Department of Parks and Recreation**

Docket Nos. **26-0121-9801** & **26-0121-9802**, Rules Governing Leasing Practices of Recreational Residences Within Heyburn State Park.

**Department of Health and Welfare**

Docket No. **16-0101-9802**, Rules for the Control of Air Pollution in Idaho.

Please refer to the Idaho Administrative Bulletin, **July 1, 1998, Volume 98-7** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 334-3577 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are now available on the Internet at the following address:  
**<http://www.state.id.us/>** - from the Home Page select General Government, find Department of Administration, then Rules of the State of Idaho.